



California State Board of Education Policy

POLICY #
02-01
DATE
March 2002

WAIVER GUIDELINES

Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement

REFERENCES:

Authority: *Education Code* section 33050

Purpose: To waive provisions of *Education Code* section 52522

HISTORICAL NOTES

None

EDUCATION CODE (EC) SECTION(S) INVOLVED:

Education Code section 52522.

Plans for adult education innovation and alternative instructional delivery, approval by Superintendent of Public Instruction, expenditures, rules and regulations

- (a) The Superintendent of Public Instruction may approve school district plans for adult education innovation and alternative instructional delivery. School districts making an application under this section shall demonstrate how the needs of adults will be addressed by programs, including, but not limited to:
 - (1) Worksite adult basic education skills instruction.
 - (2) Distance learning using video and other communication technologies.
 - (3) Home-based and community-based independent study approaches using instructional technologies.
 - (4) Tests of alternative reimbursement approaches other than average daily attendance to determine whether they are reasonable and feasible, to the extent that there is no decrease in the number of students served nor an increase in cost to the state.
- (b) School districts approved to implement demonstration programs under this section may expend up to **5 percent** of their adult block entitlement for implementation of approved programs.
- (c) School districts implementing programs under this provision shall report expenditures to the superintendent in an annual fiscal report, as specified in regulations adopted by the superintendent. Funds reported under this section and approved by the superintendent shall continue to be allocated as part of the district's adult block entitlement in subsequent fiscal years.
- (d) The superintendent shall adopt rules and regulations for the administration of this section to include:
 - (1) Allowable expenditures.
 - (2) The range of expenditures per pupil enrollment in the program.
 - (3) Reporting requirements.
 - (4) Program evaluation.

BACKGROUND

In 1993 the California Legislature passed EC 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of their block entitlement on innovation and alternative instructional delivery.

The adult education innovation and alternative instructional delivery program began in earnest in 1995. Almost all the programs have had the following distance learning key requirements. They are:

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- The separation of teacher and learner in space and/or time during at least a majority of each instructional process.
- The provision of two-way communication between teacher, tutor, or educational agency and learner.
- The use of educational media to unite teacher and learner and carry course content.
- The control of learning by student rather than distance instructor.

Lower level adult learners are the primary beneficiaries of the adult education innovation and alternative instructional delivery program. Checking out video and print materials, a decidedly low cost, low-tech approach, has been the most prevalent intervention.

Technological literacy is an important component of adult literacy. As the adult education innovation and alternative instructional delivery program evolves and new resources become available, changes are anticipated in the ways distance learning instruction is delivered. Over the next five years there will be an increase in the use of distributed (Internet) learning opportunities in vocational education, high school subjects, and ESL instruction as the quality of the instructional materials improves and as adult schools integrate web based resources into their instructional strategies.

In June 2001, the Los Angeles Unified School District (LAUSD) requested a waiver of the 5 percent cap for innovation and alternative instructional delivery. After considerable discussion, the State Board of Education granted the waiver and allowed LAUSD to use up to **7 percent** of their funds for innovation and alternative instructional delivery. Subsequently, there has been pressure from the field to increase the allowable percentage of the block entitlement to some percentage above 5 percent.

WAIVER GUIDELINES/CRITERIA

In order to evaluate a waiver request to increase the percentage of the agency's block entitlement from **5 percent to 7 percent** to implement an Innovation and Alternative Instruction Delivery Program, the State Board of Education (SBE) asks that those Local Educational Agencies (LEAs) applying for a waiver provide documentation which the California Department of Education (CDE) professional staff are then asked to use in reviewing and making recommendations about the request. The waiver request should include the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.
2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.
3. Verification that the district's prior three year history for annual apportionment indicates growth, stability, or not more than a 4.5% decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.
4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent** to include a description of the program and a rationale for the change. Information and documentation in all of the following three areas will be required for consideration of the waiver:

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Increased Number of Students with Limited Access to Traditional Education Options

- Describe what has changed since the LEA's initial application for program participation that anticipates enrollment exceeding 5 percent of the agency's block entitlement (demographic shifts, reduced access to facilities, reduced availability of staff).
- Provide documentation to support the position (local demographic reports, current job market surveys, board minutes, district facility reports).

Increased Program Capacity

- Describe what has changed since the LEA's initial application (availability/community development of program, resource availability, partnerships and collaborations).
- Provide documentation to support the position (new approved course outline(s), community partnership MOU, current job market surveys, increased technology availability/capability).

Improved Student Assessment Documentation

- Describe what has changed since the LEA's initial application (evidence of increased student achievement, increased assessment capability).

CONDITION OF RENEWAL

In order to be granted a renewal of this waiver, a district must also provide documentation demonstrating achievement of students in the adult education innovation and new technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program.